

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

United States of America, ex rel.,
Michael K. Drakeford, M.D.,

Plaintiff,

VS.

Tuomey Healthcare System, Inc.,

Defendant.

C.A. No: 3: 05-cv-2858-MJP

**DEFENDANT'S MOTION FOR
JUDGMENT IN ITS FAVOR ON
GOVERNMENT'S EQUITABLE
CLAIMS**

COMES NOW, the Defendant, Tuomey Healthcare System, Inc. ("Tuomey"), who renews its speaking motion made in Court on March 25, 2010 pursuant to F.R.Civ.P. 50 and 52 for a judgment in Defendant's favor and to dismiss Counts IV, V and VI of the Government's Second Amended Complaint. In support thereof, Defendant avers the following:

1. The Government has been fully heard on all issues pertinent to the claims set forth in its Second Amended Complaint at a jury trial held before the Court on March 5 through 26, 2010.
2. The Government has an adequate remedy at law under its remaining claim for relief under the False Claims Act, 31 U.S.C. § 3729(a)(1).
3. Tuomey is entitled to judgment in its favor as a matter of law under F.R.Civ.P. 50 on Counts IV, V and VI of the Government's Second Amended Complaint due to the Government's adequate remedy at law.

4. Tuomey is also entitled to judgment in its favor as a matter of law under F.R.Civ.P. 50 on Counts IV, V and VI of the Government's Second Amended Complaint since no evidence presented at trial could persuade the Court to grant equitable relief in the Government's favor due to the Government's adequate remedy at law.

Therefore, for the reasons stated above and in Tuomey's Memorandum in support of its Motion, Tuomey respectfully requests the Court to dismiss with prejudice Counts IV, V, and VI of the Government's Second Amended Complaint and to enter judgment in favor of Tuomey on those Counts, based on the fact that the Government has an adequate remedy at law under the False Claims Act.

Respectfully submitted,

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